

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER:	2167.05
COMPLAINT INVESTIGATOR:	Jennifer Campbell
DATE OF COMPLAINT:	August 27, 2004
DATE OF REPORT:	September 22, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	November 5, 2004

COMPLAINT ISSUES:

Whether the East Noble School Corporation violated:

511 IAC 7-27-3(f) by failing to permit an individual to participate in the beginning of a case conference committee (CCC) meeting when that individual had been invited by the student to whom rights had been transferred under 511 IAC 7-28-4(a).

FINDINGS OF FACT:

1. The Student has been identified as disabled and determined eligible for special education and related services.
2. The Student attained 18 years of age during the 2003-2004 school year. During a case conference committee (CCC) meeting prior to the Student's eighteenth birthday, the Complainant and the Student were informed of the transfer of rights at eighteen years of age, as required by 511 IAC 7-28-4(c). Although the Complainant informed the School that the Complainant intended to seek a legal guardianship, the Student has not had a guardian appointed by a court as of the date this Complaint was filed. The Student's CCC planned to convene on August 18, 2004. A CCC Notification was sent to the Complainant, as required by 511 IAC 7-27-2(c).
3. On August 18, 2004, prior to the start of the CCC meeting, the School asked the Complainant to remain in the waiting area. The CCC meeting began with a review of procedural safeguards. CCC members, other than the Complainant, were present in the conference room.
4. After reviewing the procedural safeguards with the Student, the School asked the Student if the Student wanted the Complainant to attend the CCC meeting. At the request of the Student, the Complainant participated in the remainder of the CCC meeting.
5. On September 1, 2004, the School reconvened the CCC. The Complainant participated in the entire CCC meeting including the review of procedural safeguards.

CONCLUSION:

1. Under the circumstances indicated by Finding of Fact #2, the Student has the discretion to invite his/her parent and other individuals to participate in a CCC meeting. Although Finding of Fact #5 indicates that the School permitted an individual invited by the Student to participate in most of the CCC meeting, Finding of Fact #4 indicates that the School did not permit an individual to participate in the beginning of a CCC

meeting when that individual had been invited by a student to whom rights had transferred under 511 IAC 7-28-4(a). Therefore, a violation of 511 IAC 7-27-3(f) is found. However, Finding of Fact #6 indicates that student-specific corrective action has been taken.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

East Noble School Corporation shall notify teachers of record serving students who are age 18 or older and have not had guardians appointed for them that these students have the discretion to invite their parents and other individuals to participate in CCC meetings and that invited individuals are entitled to attend the entire CCC meeting. If there is uncertainty as to whether a parent has come in response to the Case Conference Notification or at the invitation of the student, the uncertainty is to be resolved before the CCC meeting begins.

Documentation of compliance (consisting of a copy of a memorandum sent to the appropriate teachers of record) shall be submitted to the Indiana Department of Education, Division of Exceptional Learners, by November 5, 2004.